

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LEXINGTON INSURANCE COMPANY as subrogee
of BP/CG CENTER I, LLC, BP/CG CENTER II, LLC
CITIGROUP CENTER CONDOMINIUM and all other
named insureds under policy number 8753820,

**ANSWER TO
CROSS CLAIMS**

Plaintiffs,

Docket No.: 08 CIV 6563

-against-

LOCHINVAR CORPORATION, SOUTH ERIE
PRODUCTION COMPANY doing business as
SEPCO-ERIE and S. DIGIACOMO & SON, INC.,

Defendants.
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Defendant, LOCHINVAR CORPORATION, by their attorneys, RENDE, RYAN &
DOWNES, LLP, answering the Cross Claims of defendant, S. DIGIACOMO & SONS, INC.'S herein
upon information and belief:

1. Denies each and every allegation contained in the paragraphs designated "30" and "31"
thereof.

WHEREFORE, the defendant, LOCHINVAR CORPORATION, demands judgment against
the co-defendant on the Cross Claim plus interest, and against the plaintiff and co-defendants for costs
and disbursements.

Dated: August 28, 2008
White Plains, New York

Yours, etc.,

RENDE, RYAN & DOWNES, LLP.

By: _____/S
ROLAND T. KOKE (RK 1068)
Attorneys for Defendant
LOCHINVAR CORPORATION
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White Plains, New York 10601
(914) 681-0444

To: GWERTZMAN, LEFKOWITZ,
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Attention; David S. Smith
212-968-1001

FRENCH & RAFTER, LLP
Attorneys for Defendant
S. DiGIACOMO & SONS, INC.
29 Broadway, 27th Floor
New York, New York
Attention: Beth L. Rex, Esq. 10006
212-797-3544
File No.: 8400.1152

CERTIFICATE OF SERVICE

This is to certify that on August 18, 2008, a copy of the foregoing **ANSWER TO CROSS-CLAIMS** was served on the following counsel of record via electronic filing:

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